

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Patricia Taylor

v.

Civil No. 06-cv-035-JD

United States of America

O R D E R

The petitioner has filed a motion pursuant to 28 U.S.C. § 2255. She currently has pending in the United States Court of Appeals for the First Circuit an appeal in the underlying criminal case.

It is a well-settled rule in this Circuit that in the absence of extraordinary circumstances a district court will decline to hear claims under section 2255 for relief based on ineffective assistance of counsel when a direct appeal is pending. United States v. Diaz-Martinez, 71 F.3d 946, 953 (1st Cir. 1995). No such extraordinary circumstances have been presented here.

Therefore, the motion is denied. Case dismissed without prejudice to refile when the direct appeal has been decided.

SO ORDERED.



Joseph A. DiClerico, Jr.
United States District Judge

February 22, 2006

cc: Patricia Taylor, pro se
Aixa Maldonado-Quinones, Esquire